

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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E. JEAN CARROLL,	:	Index No. 160694/2019
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Plaintiff,	:	Hon. Verna L. Saunders
	:	
- against-	:	Mot. Seq. No. 2
	:	
DONALD J. TRUMP,	:	REPLY AFFIRMATION OF
	:	<u>MARC E. KASOWITZ</u>
Defendant.	:	
	:	
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Marc E. Kasowitz, an attorney duly admitted to practice before the courts of the State of New York, hereby affirms the following under penalty of perjury:

- I am a member of the firm Kasowitz Benson Torres LLP (the “Firm”), attorneys for defendant President Donald J. Trump in the above-referenced action. I respectfully submit this reply affirmation in further support of defendant’s motion to stay pending the appeal in *Zervos v. Trump* (“Pl. Mem.”).
- Attached as **Exhibit A** is a true and correct copy of Katherine Rosman and Jessica Bennett, *What Happened Between E. Jean Carroll and Elle Magazine?*, NEW YORK TIMES (Feb. 21, 2020), <https://www.nytimes.com/2020/02/21/style/ejean-carroll-fired-elle.html>.
- Attached as **Exhibit B** is a true and correct copy of defendant’s Answer, which was served on plaintiff’s counsel by email on January 23, 2020.
- When plaintiff’s counsel emailed on November 4, 2019, the firm did not represent President Trump in connection with this action, nor was the Firm or any of its lawyers authorized to accept service of the summons and complaint on the President’s behalf. The firm entered an

appearance, as co-counsel, on February 4, 2020, nearly three months after service had been completed. (See NYSCEF Doc. Nos. 40-42.)

5. As of the time of the First Department's decision granting leave to appeal and a stay in *Zervos v. Trump*, 2020 WL 63397, 2020 N.Y. Slip Op. 60193(U) (1st Dep't Jan. 7, 2020), there were numerous outstanding issues from the parties concerning document production as well as outstanding third-party document subpoenas.

6. Attached as **Exhibit C** is a true and correct copy of the First Department's Order in *In re People ex rel. Schneiderman v. Trump Entrepreneur Initiative LLC*, No. 451463/13, M-1498 (1st Dep't May 17, 2016).

Dated: February 27, 2020
New York, New York

/s/ Marc E. Kasowitz
MARC E. KASOWITZ